

REMARKS

This Amendment is in response to the non-final Office Action mailed June 17, 2005. Claims 1-37 are pending in the present application. Claims 1-37 were examined and rejected in the Office Action. No claims have been amended, added, or canceled. Applicant respectfully requests examination and reconsideration in view of the following remarks.

Claim Rejections - 35 U.S.C. §103

Claims 1, 2, 4-10 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2005/0009507 A1 (hereinafter Gilbert) in view of Hartselle et al., US 2004/0213385 A1 (hereinafter Hartselle). The Applicant respectfully traverses this rejection because the Office Action does not make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Office Action must set forth prior art that teaches or suggests every claim limitation. (See MPEP § 2143.) The reference Hartselle would only qualify as prior art under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102. Thus, according to 35 U.S.C. §103, Hartselle shall not preclude patentability because Hartselle and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Gilbert in view of Hartselle is inappropriate, and Applicant respectfully requests withdrawal of the rejection of Claims 1, 2, 4-10 and 16-19 over Gilbert in view of Hartselle.

Dependent Claims

Claims 3, 11-14 and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Hartselle as applied to claims 1 above, and further in view of Wise et al., U.S. Patent No. 5,884,262 (hereinafter Wise). As described above, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Gilbert in view of Hartselle is inappropriate, and Applicant respectfully requests withdrawal of the rejection of Claims 3, 11-14 and 20-23 over Gilbert in view of Hartselle and further in view of Wise.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Hartselle, in further view of Wise as applied to claim 14 above, and further in view of Johnstone et al., U.S. Patent No. 4,462,080 (hereinafter Johnstone). As described above, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Gilbert in view of Hartselle is inappropriate, and Applicant respectfully requests withdrawal of the rejection of Claim 15 over Gilbert in view of Hartselle and further in view of Wise, and further in view of Johnstone.

Claim 24

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Cloutier et al., U.S. Patent No. 6,535,586 B1 (hereinafter Cloutier). Applicant's amended independent claim 24 is drawn to a method of storing and accessing information to and from a remote voice information system. The method comprises, among other features, (1) placing a call by a subscriber to a voice information application using a telephone directory number associated with the voice information application.

In contrast, the Office Action cites FIGs. 1, and 4 and paragraph 34 of Gilbert in support of asserting that Gilbert discloses placing a call by a subscriber to a voice information application. Applicant respectfully disagrees with this assertion and submits that because Gilbert explicitly discloses the use of feature codes, Gilbert teaches away from Applicant's amended claim 24. (See Gilbert paragraphs 33 and 34). Thus, neither Gilbert nor Cloutier alone, or in combination, teach or suggest each and every feature of Applicant's amended claim 24. Therefore, amended claim 24 is allowable over Gilbert in view of Cloutier considering Gilbert as a whole including portions that lead away from Applicant's claim 24.

Dependent Claims

At least because Gilbert explicitly teaches away from Applicant's amended claim 24 and claims 25, 26, and 27 inherit the language of amended claim 24, neither Gilbert, Cloutier, or Wise alone, nor in combination, teach or suggest each and every feature of Applicant's claims 25, 26, and 27.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Cloutier as applied to claim 24 above, and further in view of Hartselle. As

described above, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Gilbert in view of Hartselle is inappropriate, and Applicant respectfully requests withdrawal of the rejection of Claim 28 over Gilbert in view of Cloutier, and further in view of Hartselle.

Claim 29

Claims 29 and 32-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Wise. Applicant's amended independent claim 29 is drawn to a system for storing and accessing information to and from a remote voice information system. The system, comprises, among other features, a voice information application operative to receive a call from a subscriber for voice information services using a telephone directory number associated with the voice information application. As described above with respect to amended claim 24, because Gilbert explicitly discloses the required use of feature codes, Gilbert teaches away from Applicant's amended claim 29. Thus, neither Gilbert nor Wise alone, or in combination, teach or suggest each and every feature of Applicant's amended claim 29. Therefore, amended claim 29 is allowable over Gilbert in view of Wise considering Gilbert as a whole including portions that lead away from Applicant's claim 29.

Dependent Claims

At least because Gilbert explicitly teaches away from Applicant's amended claim 29 and claims and 30-37 inherit the language of amended claim 29, neither Gilbert, Wise, or Cloutier alone, nor in combination, teach or suggest each and every feature of Applicant's claims 30-37.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

Dated: September 19, 2005



A handwritten signature in dark ink, appearing to read "Murrell W. Blackburn". The signature is fluid and cursive, written over a horizontal line.

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